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| SERIAL NUMBER | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|--|-------------|-----------------------|---------------------|
| 08/675,304 | 07/01/96 | ASGHARI | S 19516/189 |
| | | EXAMINER | |
| | | B3M1/111S | |
| | | ART-UNIT: M | PAPER NUMBER: 10 |
| | | 2317 | |
| | | DATE MAILED: 11/15/96 | |
| <p>This is a communication from the examiner in charge of your application. COMMISSIONER OF PATENTS AND TRADEMARKS</p> | | | |
| <p><input checked="" type="checkbox"/> This application has been examined <input checked="" type="checkbox"/> Responsive to communication filed on 8/28/96 <input type="checkbox"/> This action is made final.</p> | | | |
| <p>A shortened statutory period for response to this action is set to expire 3 month(s), days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133</p> | | | |
| <p>Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:</p> | | | |
| <p>1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. 6. _____</p> | | | |
| <p>Part II SUMMARY OF ACTION</p> | | | |
| <p>1. <input checked="" type="checkbox"/> Claims 23, 25 - 32, and 34 are pending in the application. Of the above, claims _____ are withdrawn from consideration.</p> | | | |
| <p>2. <input checked="" type="checkbox"/> Claims 1-22, 24, and 33 have been cancelled.</p> | | | |
| <p>3. <input type="checkbox"/> Claims _____ are allowed.</p> | | | |
| <p>4. <input checked="" type="checkbox"/> Claims 23, 25 - 32, and 34 are rejected.</p> | | | |
| <p>5. <input type="checkbox"/> Claims _____ are objected to.</p> | | | |
| <p>6. <input type="checkbox"/> Claims _____ are subject to restriction or election requirement.</p> | | | |
| <p>7. <input type="checkbox"/> This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.</p> | | | |
| <p>8. <input type="checkbox"/> Formal drawings are required in response to this Office action.</p> | | | |
| <p>9. <input type="checkbox"/> The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are <input type="checkbox"/> acceptable; <input type="checkbox"/> not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).</p> | | | |
| <p>10. <input type="checkbox"/> The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been <input type="checkbox"/> approved by the examiner; <input type="checkbox"/> disapproved by the examiner (see explanation).</p> | | | |
| <p>11. <input type="checkbox"/> The proposed drawing correction, filed _____, has been <input type="checkbox"/> approved; <input type="checkbox"/> disapproved (see explanation).</p> | | | |
| <p>12. <input type="checkbox"/> Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has <input type="checkbox"/> been received <input type="checkbox"/> not been received <input type="checkbox"/> been filed in parent application, serial no. _____; filed on _____.</p> | | | |
| <p>13. <input type="checkbox"/> Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.</p> | | | |
| <p>14. <input type="checkbox"/> Other</p> | | | |

EXAMINER'S ACTION

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1. The amendment filed on August 28, 1996 has been entered and considered by the examiner.

2. Claims 23, 25-32, and 34 are presenting for examination.

3. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. Miller v. Eagle Mfg. Co., 151 U.S. 186 (1894); In re Ockert, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); AND In re Vogel, 422 F.2d 438, 164, USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

4. Claims 23, 25, 27-32, and 34 are provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1 & 4 of copending application Serial No. 08/673,317.

This is a **provisional double patenting** rejection since the conflicting claims have not in fact been patented.

5. As to claim 23, Claim 1 of application 08/673,317 teaches substantially the claimed limitations including:

- * master processor (first processor);
- * second processor;
- * a first portion of a memory (first memory) [in the light of the specification i.e the specification indicates that the memory having two portions, see page 8, lines 18-38, page 9, lines 1-9];
- * a second portion of the memory (second memory).

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6. As to claims 25, 27-28, and 30, claim 1 of application 08/673,317 teaches the claims limitations.

7. As to claim 29, see claim 4 of application 08/673,317.

8. As to claims 31-32, and 34, claim 1 of application 08/673,317 teaches the claims limitations.

Therefore, it can be seen from paragraphs 5-8 that application 08/673,317 teaches the limitations of claims 23, 25, 27-32 & 34.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 25-27, 29-32, and 34 are rejected under 35 U.S.C. § 102(b) as being anticipated by Haendler.

11. As to claims 25-27, and 29-30, Haendler teaches interprocessor communication among streamed signal processors to configure the control of servo loop function of air traffic control system. Haendler teaches substantially the claims limitations including the use of several processors (first and second processors), memory blocks (first and second memories) within a shared memory. Haendler inherently teaches that each processor would write preprocessed data to a portion (memory block) of the shared memory to be accessed by another processor

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i.e each processor would have read and write accesses to its portion of memory, and other processor(s) would have only read access to that portion of the memory.

12. As to claims 31-32, and 34, the claims are similar in scope to claims 23, 30, and 27 respectively and they are rejected under the same rationale, see paragraph 10 above.

Therefore, it can be seen from paragraphs 10-11 that Haendler teaches the limitations of claims 25-27, 29-32, and 34.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Moustafa M.Meky whose telephone number is (703) 305-9697.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Moustafa M. Meky

November 09, 1996


MOUSTAFA M. MEKY
PATENT EXAMINER
GROUP 2300